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SENSITIVE

SIPDIS

DEPARTMENT PASS FOR EAP/MTS/COPPOLAMG, EEB/TPP/IPE/URBANJ
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SUBJECT: BRUNEI LEARNING MORE ABOUT IPR BUT GAPS REMAIN

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SUMMARY

[1](#)1. (SBU) Over the past month, post has seen more engagement on Intellectual Property Rights (IPR) issues, primarily driven by the private sector. Under the sponsorship of the Brunei Economic Development Board's (BEDB) ICentre, US based IPR attorneys provided detailed briefings to new IT businesses, government of Brunei (GoB) officials, and academics. In addition, Ambassador Todd and embassy have pressed senior GoB officials regarding increased IPR enforcement and, specifically focusing on prosecutions. The increased public attention in Brunei on IPR is a welcome step. However, as noted in Reftel, much more must be done, especially in regards to prevention of disc piracy. The GoB, private sector, and other interested parties must sustain these positive steps.

BRUNEI LEARNING MORE ABOUT IPR

[1](#)2. (SBU) During the week of March 9, the Brunei Economic Development Board (BEDB), through the BEDB ICentre, sponsored a number of seminars on Intellectual Property Rights (IPR). (NOTE: The ICentre seeks to develop new Brunei based startups, mostly working in the IT sector. The ICentre has a partnership with the National University of Singapore (NUS) to provide a number of speakers and seminars in Brunei. END NOTE.) US based attorneys, from the firm of Fenwick and West, Roger Tolbert and Andrew Serafini were the seminar speakers. Tolbert and Serafini spoke with new startups companies as well as with government officials, academics, and other interest parties. The sessions featured detailed but basic level IPR topics. Tolbert spoke on the various aspects of IP license agreements while Serafini addressed IP patent law and due diligence. In discussions with DCM, both Tolbert and Serafini noted a high level of interest in IPR issues. However, this was tempered by a relatively low overall knowledge of key IPR elements. Both noted that their sessions with new business owners were very productive and that they believe there is potential for development in Brunei but much remains to be done to strengthen the legal and regulatory framework.

AMBASSADOR TODD PRESSES IPR CONCERNS WITH DEPUTY FOREIGN MINISTER

[1](#)3. (SBU) On March 19, Ambassador Todd met with Deputy Foreign Minister, Pehin Lim Jock Seng, to discuss a number of issues. Ambassador Todd noted the USG's concerns regarding IPR, specifically in the areas of enforcement. Ambassador took the opportunity to follow up on a number of areas noted in Reftel. Specific attention was brought to the lack of prosecution. While some ministries and departments such as the Trade Department in the Ministry of Foreign

Affairs and the Customs department in the Ministry of Home Affairs have been cooperative, others have been hesitant to engage further on IPR enforcement. Pehin Lim noted that Brunei is concerned about IPR and that he would speak directly with his counterparts in the Attorney General Chambers (AGC) and Ministry of Home Affairs. Pehin Lim also asked for a letter, which was provided the next day, from Ambassador Todd detailing USG concerns and noted he would also discuss with the Sultan the issues raised by the Ambassador.

DCM NOTES KEY IPR ISSUES WITH TRADE DEPARTMENT

14. (SBU) On March 17, DCM discussed IPR concerns Vincent Kong, Director of Trade Department, Ministry of Foreign Affairs and Trade (MFAT). Mr. Kong was joined by all of his MFAT trade team. DCM took the opportunity to review, again, the concerns noted in Reftel. Specifically focusing on the need to meet more with IPR rights holders, DCM noted that more could be done to promote such meetings and that MFAT can and should play a key role. Kong agreed but noted that the GoB is often 'taciturn' when it comes to discussing publicly its IPR efforts. He noted that MFAT will work with GoB ministries to do a better job of outreach and communication. All agreed that a major area of focus must be prevention and prosecution of disc piracy. DCM pointed out that Brunei does have advantages that other countries lack. Specifically the GoB can focus on a particular IPR area (i.e. disc piracy) and make positive changes quickly given the overall small size of the market.

COMMENT

15. (SBU) BEDB's commitment to improving Brunei's IPR knowledge is a welcome sign. BEDB continues to be at the forefront of many of Brunei's positive steps forward in terms of economic

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diversification. The support of Prince Mohammed, Brunei's Foreign Minister, remains a key to BEDB success and increased IPR enforcement and protections will need support from the highest levels of the GoB. Ambassador Todd continues to press USG IPR concerns and post believes the MFAT remains the best interlocutor to bring these issues to the forefront. Post is pleased that the AGC will put forward nominations for the USPTO Global Intellectual Property Academy (GIPA) program in early May. Continued engagement and training is required for both the private sector and GoB. As Bruneians become more familiar with IPR, we may see local rights holders demand the same protections and enforcement that international rights holders are currently and correctly demanding.

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